

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**WINSTON HOLLOWAY
ADC # 67507 and
JOSEPH BREAUT
ADC # 79659**

PLAINTIFFS

v.

NO. 5:07CV00088 JLH/BD

BENNY MAGNESS, et al.

DEFENDANTS

ORDER

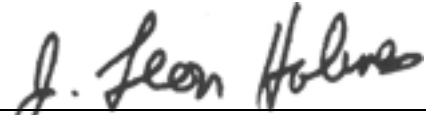
The Court has received the Partial Recommended Disposition from Magistrate Judge Beth Deere. The parties have not filed any objections. After careful review of the Partial Recommended Disposition, as well as a *de novo* review of the record, the Court concludes that the Partial Recommended Disposition should be, and hereby is, approved and adopted as this Court's findings in all respects in its entirety.

Accordingly, Separate Defendant Rory Griffin's motion to dismiss (#90) is GRANTED IN PART, and DENIED IN PART; the ADC Defendants' motion to dismiss (#96) is GRANTED IN PART, and DENIED IN PART; and Separate Defendant GTL's motion to dismiss (#114) is GRANTED IN PART, and DENIED IN PART. All claims against Defendants Dina Tyler are dismissed without prejudice. Plaintiffs may proceed against Defendants GTL, Magness, Norris, Lay, and Kelley on their: (1) First Amendment claim, (2) Federal Telecommunications Act claim; and (3) Sherman Antitrust Act Claim. In addition, Plaintiffs may proceed against Defendants Magness, Norris, Kelley, and Lay on their fiduciary duty claim. Plaintiff Holloway may proceed on his due process claim against

Defendants Griffin, Magness, Norris, Kelley, and Lay. All other claims against Defendant Griffin are dismissed without prejudice.

The Court also DENIES inmate Jimmy Dyas' motion to intervene (#101).

IT IS SO ORDERED this 6th day of June, 2008.


UNITED STATES DISTRICT JUDGE